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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4265**  
Makoto HAGAI et al. : Docket No. 2000\_1730A  
Serial No. 09/739,648 : Group Art Unit 2142  
Filed December 20, 2000 : Examiner Beatriz Prieto

DATA RECEPTION/PLAYBACK METHOD,  
DATA RECEPTION/PLAYBACK APPARATUS,  
DATA TRANSMISSION METHOD, AND  
DATA TRANSMISSION APPARATUS

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**REQUEST FOR A NEW OFFICE ACTION AND**  
**RESTART OF THE PERIOD FOR RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

A final Office Action dated May 10, 2005 was received in the above-identified application. In item 5 on page 2 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Blahut et al. (U.S. 5,442,389) in view of White et al. (U.S. 6,628,302). This rejection of claim 8 was previously made in item 5 on page 2 of the January 7, 2005 Office Action.

However, in response to the January 7, 2005 Office Action, the Applicants presented new claim 13, which depends from claim 8, in the Applicants' April 7, 2005 Amendment. The Examiner failed to properly consider and examine new claim 13 in the May 10, 2005 Office Action. In particular, in the second paragraph of item 7 on page 4 of the Office Action, the Examiner acknowledged the limitations of claim 13 which were argued in the April 7, 2005 Amendment. However, the Examiner indicated that these limitations were not given patentable weight because they were "not recited in the rejected claim(s)."

Therefore, a proper examination on the merits of all pending claims in the application has not been completed.

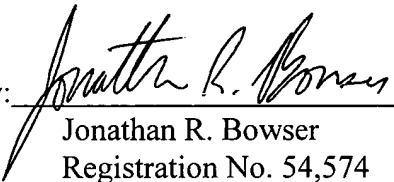
Accordingly, as a result of the defective May 10, 2005 Office Action, a new Office Action is respectfully requested properly examining all pending claims in the application.

Since this error is being brought to the attention of the Patent Office within one month of the mailing date of the May 10, 2005 Office Action, the period for response is respectfully requested to be restarted, as required in MPEP § 710.06.

Respectfully submitted,

Makoto HAGAI et al.

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